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20 YEARS OF DOMESTIC VIOLENCE ADVOCACY, COLLABORATIONS, AND CHALLENGES: REFLECTIONS OF A CLINICAL LAW PROFESSOR

SUZANNE TOMKINS¹

INTRODUCTION

When I was a law student in 1989, there were a handful of law schools with some type of advocacy program in place to assist victims of domestic violence. Having entered law school because of my passion for social justice, I started to research social justice initiatives at other schools and came across a few articles describing advocacy programs for battered women.² Those programs were designed to address an unmet need. The battered women's movement at this time moved beyond being a shelter movement and spread its influence into the legal system.³ It became increasingly obvious that women abused by their husbands or boyfriends truly needed legal assistance and this was an area of the law ripe for reform. I mentioned my excitement to a few classmates who then introduced me to Catherine Cerulli, now Dr. Cerulli,⁴ a fellow law student who was also

¹ Current Clinical Professor of Law and co-founder of the Women, Children & Social Justice Clinic at SUNY Buffalo Law School. I would like to thank Remla Parthasarathy, Susan Vivian Mangold, Kate Cerulli, Nils Olsen, Kim Connolly, Isabel Marcus, Ann Dillon, and Kathryn Exoo.

² See, e.g., Joan S. Meier, *Notes from the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice*, 21 HOFSTRA L. REV. 1295, 1297-98 (1993); Susan Bryant & Maria Arias, *A Battered Women's Rights Clinic: Designing a Clinical Program Which Encourages a Problem Solving Vision of Lawyering that Empowers Clients and Community*, 42 WASH. U.J. URB. & CONTEMP. L. 207 (1992) (describing the CUNY School of Law Battered Women's Rights Clinic and the variety of services it provided).

³ See generally ELIZABETH M. SCHNEIDER, *BATTERED WOMEN AND FEMINIST LAWMAKING* (2000); SUSAN SCHECHTER, *WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT* (1982).

⁴ Dr. Catherine Cerulli is the co-founder of the Women, Children & Social Justice Clinic. She has a Ph.D. in Criminal Justice from the University of Albany and currently serves as Director of the Laboratory of Interpersonal Violence and Victimization at the University of Rochester School of Medicine. Dr. Cerulli has been the recipient of numerous awards including: the Restore the Hope Award,

interested in creating a law school based clinic to assist battered women. A few years later, in 1992, we founded the Family Violence Clinic at SUNY Buffalo Law School (the Law School). While its primary purpose was to provide an educational experience to students, we knew it was also addressing a vital issue in our community. Twenty years later, the Family Violence Clinic has evolved into the current Women, Children & Social Justice Clinic (the Clinic); encompassing the larger advocacy work needed to address the problem of intimate partner violence locally, nationally, and internationally.

This article will discuss the balance we⁵ have tried to achieve in providing law students with a meaningful educational experience while simultaneously meeting the needs of the community. Whether responding to specific requests for educational or technical resources, providing assistance on individual cases, community organizing, or legislative drafting, we use community engagements as teachable moments for our students.

The article will also discuss difficult policy issues the Clinic has grappled with such as students' reluctance to think the criminal justice system can be anything but "just" for the clients, and the dissonance between wanting new laws to help domestic violence victims and knowing such changes can bring unintended consequences that are used against victims. Tackling difficult issues like these has contributed to the students' understanding of how to be effective advocates and how to create effectual social change.

Currently, the Clinic provides students with a theoretical background coupled with the training and skills necessary to become effective legal advocates working on behalf of targets of intimate partner abuse. With a practice order, students can work in both criminal and civil courts. They assist local prosecutors, work on behalf of clients seeking protective orders, assist civil legal services representing clients in matrimonial and custody matters, and assist in representing immigrants who self-petition for relief under the Violence Against Women Act (VAWA).⁶ Students also work on a variety of other projects outside of court. Two of the most recent projects include joining forces with other law schools in a campaign to recognize domestic violence as a human rights violation and

the Outstanding Young Lawyer Award, the Nathaniel Award, the William B. Hoyt Award, the Justice Award to End Domestic Violence, the National Institute of Mental Health New Investigator Award, and the Kate Stoneman Award.

⁵ I use the term "we" throughout this paper because although I am the director, all of the Clinic's work is achieved collaboratively with other Clinic faculty and, of course, students.

⁶ Violence Against Women Act, 42 U.S.C. §§ 13925-14045 (1994) (effective Oct. 1, 2013).

removing a barrier to safety for victims by creating a searchable online database identifying emergency shelter options for pets.

The Clinic serves as a resource throughout the region and the world. We are engaged in policy development including: creating countywide protocols, transmitting research and announcements via Resource Link,⁷ community organizing and problem solving, and providing technical assistance through trainings and presentations on a variety of domestic violence-related topics. In many ways the Clinic serves as a launching point for community and court-based programs, projects, and collaborations. The relationships we have helped foster have led to many new, subsequent collaborations. For example, countywide protocols first written by Clinic members in Niagara County have been adopted for use in surrounding counties and have also been utilized in Russia, Ukraine, and most recently in Belo Horizonte, Brazil.⁸

I. STUDENT DEVELOPMENT AND RELATIONSHIPS

A. *Formation of the Clinic*

The formation of the Clinic mirrored the grassroots efforts of the battered women's movement. Early domestic violence advocacy focused on safety, shelter, criminal justice interventions, and Coordinated Community Response (CCR),⁹ and aimed to transform public perception of domestic violence from a "family matter" to violent crimes worthy of effective legal and community response.¹⁰ Similarly, we focused on building effective community responses.

⁷ Resource Link is an email listserv that links domestic violence advocates and professionals in the field with research, news, and information about upcoming events such as trainings. The project seeks to strengthen information sharing and find new opportunities for domestic violence advocates to work together to address problems in the community. To find more information about the listserv or to access the listserv, see *Resource Link*, SUNY BUFF. L. SCH., <http://www.law.buffalo.edu/beyond/clinics/social-justice/community/resourceLink.html> (last visited Jan. 26, 2014).

⁸ Additionally, the Tuesday Night Clinic, which provides free legal advice to clients of local domestic violence agencies, and the Family Court Resource Project, which utilizes volunteers to serve as lay advocates in Family Court, are both Clinic projects that will be discussed in greater detail later in this article. See *infra* pp. 13-14.

⁹ See Melanie Shepard with Susan McGee, *Evaluating Coordinated Community Responses to Domestic Violence*, VAWNET.ORG (Apr. 1999), http://snow.vawnet.org/print-document.php?doc_id=379&find_type=web_desc_AR.

¹⁰ See, e.g., Sarah M. Buel, *Effective Assistance of Counsel for Battered Women Defendants: A Normative Construct*, 26 HARV. WOMEN'S L.J. 217 (2003); Laurie

As second year law students, Dr. Cerulli and I met several others who shared this interest and, within a fairly short time, organized, expanded our numbers, and received the necessary Student Bar Association approval¹¹ to create the Domestic Violence Task Force (DVTF). The DVTF is a volunteer student group that promotes awareness of domestic violence, provides lay advocacy in family court, and offers a legal clinic for battered women in collaboration with Haven House¹² and the Erie County Bar Association Volunteer Lawyer's Project.¹³

In the early 1990's, domestic violence courses were not offered and domestic violence was not mentioned in any of our classes. This was before state or federal funding existed for domestic violence initiatives. Dr. Cerulli and I did some research, looked at various models of programs, and convinced one of our professors, Isabel Marcus, to develop a course she titled "Terrorism in the Home." The course provided a theoretical background to the legal, policy, and advocacy issues involved in responding to domestic violence. Feminists across the country had long been incorporating consciousness-raising educational courses and materials into academia in order to contextualize theoretical legal issues and inform their advocacy efforts.¹⁴ "Feminist consciousness-raising creates knowledge by exploring common experiences and patterns that emerge from shared tellings of life events. What were experienced as personal hurts individually suffered reveal themselves as a collective experience of oppression."¹⁵ In the context of the Law School, and courses on domestic violence, "consciousness-raising" led to new research and understanding of the legal, social, and political roots of gendered, family violence.¹⁶ Today the Law

S. Kohn, *The Justice System and Domestic Violence: Engaging the Case but Divorcing the Victim*, 32 N.Y.U. REV. L. & SOC. CHANGE 191, 193 (2008); Janet E. Findlater & Dawn Van Hoek, *Prosecutors and Domestic Violence: Local Leadership Makes A Difference*, 73 MICH. B.J. 908 (1994).

¹¹ This resulted in funding, access to other law school resources, and recognition as a legitimate law school-endorsed group.

¹² See *Haven House*, CHILD & FAM. SERVICES, <https://cfsbny.org/programs/haven-house/> (last visited Nov. 13, 2013).

¹³ DVTF continues to be an active organization at the Law School and has been awarded the Student Ethics Award by the New York State Bar Association four times since 1992.

¹⁴ See, e.g., Kathie Sarachild, *Consciousness-Raising: A Radical Weapon*, in FEMINIST REVOLUTION 144, 144-50 (Kathie Sarachild et al. eds., 1978), available at <http://library.duke.edu/rubenstein/scriptorium/wlm/fem/sarachild.html>.

¹⁵ Leslie Bender, *A Lawyer's Primer on Feminist Theory and Tort*, 38 J. LEGAL EDUC. 3, 9 (1988) (footnote omitted).

¹⁶ *Id.*

School has incorporated domestic violence into a wide variety of courses including Torts, Family Law, Criminal Law, and Child Welfare Law.

Based on our early successes, the then Dean of the Law School, R. Nils Olsen, offered Dr. Cerulli and I the opportunity to submit a proposal to a local foundation for a small grant to start a clinic. We spent much of the first year developing our clinic model by relying on feminist scholarship from the battered women's movement and from the Duluth Model that described a holistic, women-centered approach to domestic violence.¹⁷ We also researched the literature on clinical legal education and models of existing law school clinics. Ultimately, we created a hybrid design that is more common today than it was in 1992, incorporating externships, very limited direct client work, lay advocacy, and policy work. In addition to support from the Law School, we also benefitted from a very supportive community and our working relationships with the local bar associations, domestic violence service providers, and legal service agencies.¹⁸

B. Evolution of the Clinic Name

The name of the Clinic changed several times reflecting the focus and shifts in our work. We started out as the Family Violence Clinic to capture the work we performed on behalf of children, and to encompass how this issue impacted all family members. The name later changed to Domestic Violence Clinic to define the broader scope of our work to violence between intimate partners. A colleague subsequently questioned why the Clinic's name focused on the problem versus the goal we hoped to achieve. At that same time we were expanding our work to encompass larger overlapping social issues, such as economic empowerment of women, and framing our work within social change efforts. Hence, the name was changed to the now-standing Women, Children & Social Justice Clinic.

The process of attempting to find a precise name to describe the mission and scope of the Clinic has in many ways mirrored attempts to describe the nature of intimate partner violence more broadly throughout

¹⁷ See, e.g., Catherine L. Waltz, *The Effectiveness of Intervention with Batterers*, 68 FLA. B.J., Oct. 1994, at 78, 78-79.

¹⁸ Community support came in a variety of forms. In the Clinic's first year, we secured a grant from the Western New York Delegation. Significant legal reforms at both the state and federal levels provided much opportunity as many new laws were implemented and funding became available through additional grants. As the result of a series of successful Clinic projects, we were well positioned to apply for and be awarded numerous grants.

the battered women's movement.¹⁹ For example, we considered whether our language should be gender-neutral.²⁰ Ultimately, we chose language that reflects our understanding that patriarchy is at the cultural and historical²¹ roots of domestic violence²² and the statistical reality that women are more likely to suffer from domestic violence.²³ The social justice component expresses our mission to broadly address intimate partner and family violence experienced by gay, lesbian, transgender persons, children, and any other person in the community experiencing intimate partner and/or family violence.

C. Student Placements

Each student's particular area of interest determines the externships and projects in which they are placed. Clinic candidates are interviewed during the registration process to identify their interest areas. Over the years we have had some students select the Clinic because of personal experience; they may have grown up in an abusive home or were in an abusive relationship. Students are not required to self disclose; however, their disclosure is not a bar to admission. We explain to all candidates that it is important to realize that from the start of the semester they will be subjected to firsthand accounts of cruelty and abuse. If they have a history of similar experiences, it may trigger a post-traumatic response. We take all of this into consideration when determining each student's placement. If

¹⁹ See, e.g., Elizabeth M. Schneider, *Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse*, 67 N.Y.U. L. REV. 520, 528 (1992) ("a more inclusive generality [i]s important for the development of feminist legal theory and practice").

²⁰ See, e.g., Satoko Harada, Comment, *Additional Barriers to Breaking the Silence: Issues to Consider When Representing A Victim of Same-Sex Domestic Violence*, 41 U. BALT. L.F. 150, 163-64 (2011) (explaining states' consideration of gender neutral language to expand applicability to same-sex couples).

²¹ See, e.g., *Bradley v. State*, 1 Miss. 156, 158 (1824) (permitting the husband "to exercise the right of moderate chastisement"); *State v. Black*, 60 N.C. 262, 267 (1864) (permitting the husband "to use towards his wife such a degree of force as is necessary to control an unruly temper and make her behave herself").

²² See, e.g., Molly Dragiewicz & Yvonne Lindgren, *The Gendered Nature of Domestic Violence: Statistical Data for Lawyers Considering Equal Protection Analysis*, 17 AM. U.J. GENDER SOC. POL'Y & L. 229, 233-34 n.11 (2009).

²³ MATTHEW R. DUROSE ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, *FAMILY VIOLENCE STATISTICS: INCLUDING STATISTICS ON STRANGERS AND ACQUAINTANCES* (2005), <http://bjs.ojp.usdoj.gov/content/pub/pdf/fvs02.pdf> (noting that women make up "84% of spouse abuse victims and 86% of victims of abuse at the hands of a boyfriend or girlfriend" and that "about three-fourths of the persons who committed family violence were male").

exposure to abuse is an issue, we have the option of assigning them to projects involving research or policy drafting rather than working directly with clients.

The Clinic offers a wide range of experiences in an effort to match students' interests. We have placements that mirror more traditional law school clinic work in both civil and criminal settings. Students can work in civil legal service agencies in specialized units to assist in matrimonial and custody cases where domestic violence is alleged, family offense proceedings, and advocacy for homeless clients. Students can assist in specialized prosecution units in one of the three surrounding counties of Erie, Niagara, and Monroe.²⁴ Clinic students also have opportunities to assist in research oriented work with Dr. Cerulli at the University of Rochester's Laboratory of Interpersonal Violence and Victimization where they may learn the Internal Review Board process, run focus groups, conduct interviews, or analyze data and write reports. Alternatively, students can assist in specialized agencies like the Erie County Family Justice Center, where a number of agencies are co-located to provide an array of services to clients experiencing some form of interpersonal or family violence. Other students choose to engage in policy work, assisting in the drafting of legislation, creating resources for area task forces, developing protocols, working with law enforcement, or responding to requests we receive for research via Resource Link.

Many students' careers have also been launched as the result of their Clinic experience. We have former students who specialize in domestic violence cases in private firms, legal service agencies, and governmental units. Some have become prosecutors or directors of agencies. Others go on to work in more policy related work for national and international organizations.

Former students continue to contribute to the Clinic in a variety of ways, and we benefit from the work of many former students who are now well-placed practitioners. We rely heavily on experts in the field such as Clinic alumni Jennifer Decarli, who was hired as a Clinic instructor after graduation. She is now the Executive Director of the Brooklyn Family Justice Center and provided a great deal of insight and guidance as we developed our Erie County Family Justice Center. Lisa Baehre, another Clinic alumni, is the Bureau Chief of Niagara County District Attorney's Special Victims Unit, where she provides excellent supervision to Clinic students. William Gargan, a former Clinic student, is Chief of the Domestic Violence Bureau in the Monroe County Office of the District Attorney. He

²⁴ Students working for prosecutors may be asked to review recordings of 911 calls, conduct interviews, attend police ride-alongs, research and draft legal memoranda, assist in trial preparation, and, in some counties, address the court on motions with a student practice order.

mentors and also provides exceptional supervision of students in the Clinic who are placed with the Domestic Violence Bureau. Kathryn Rebhan was a Clinic graduate and Clinic instructor who served as a clerk in the New York State Appellate Division prior to her current position as counsel to a litigation firm. Her experiences in both settings heavily contribute to Clinic students' understanding of the legal system. Another alumni and current instructor, Remla Parthasarathy, has extensive experience in a variety of legal settings that have been of great benefit to the Clinic. Professor Parthasarathy has worked in a specialized domestic violence bureau as a coordinator of the first specialized domestic violence court in Buffalo City Court and as one of the first county task force coordinators. She worked as a court-based domestic violence advocate in Erie County Family Court and for Haven House.²⁵

II. COMMUNITY DEVELOPMENT AND RELATIONSHIPS

From the beginning of the Clinic, the goals have been to educate students while expanding and enhancing the community's response to domestic violence. In doing so, the Clinic has forged relationships with civil legal service agencies, law enforcement, community-based coalitions, the civil and criminal courts, and social service agencies including shelters, crisis services, and displaced homemakers organizations. These synergistic relationships have resulted in over twenty years of projects, placements, and new opportunities.

A. *Changing Policy Through New Resources, Technologies, and Research*

One of the major secrets of our success has been finding ways to utilize new resources, technologies, and research. Technology has allowed us to link domestic violence victims in remote areas with resources, advocates, partnerships, and information that will protect their safety and the safety of their families and pets. We have also reached out to other communities by traveling to different counties and attending domestic violence roundtables and conferences.

i. Domestic Violence Resource Manual

In 1992, Every Woman's Opportunity Center, an organization assisting displaced homemakers, awarded the Clinic a small grant to create a resource manual for professionals in the field and the population they

²⁵ See *Haven House*, *supra* note 12.

serve.²⁶ This grant-funded project was the perfect vehicle for law students to identify what information needed to be included, ask experts in the field to contribute, and write sections themselves. Our approach at the time was very comprehensive. The manual covered a wide range of topics including: the definition of domestic violence; a history of the battered women's movement; a history of legal reforms; New York State civil and criminal laws addressing Orders of Protection; information on obtaining public benefits; statutes covering firearms; and a discussion of how domestic violence intersects with mediation, child custody, and mental health. Appendices provided examples of legal forms and contact information for every conceivable type of service; from food pantries to counseling to law enforcement.

We distributed thousands of the manuals throughout Erie County. It was an enormous project that required constant updating. Every year, several students were assigned the task of reviewing the various sections and updating any changes in federal legislation, state legislation, and case law. We created the manual so that it could be replicated across the state by inserting local information where pertinent. Over time, a separate version was adapted for each county in the Eighth Judicial District. As technology changed, the manual eventually became a searchable online database administered by the Regional Information Network, a project of SUNY Buffalo's Regional Institute.²⁷

ii. Community Coordinated Response and County Protocols

In 1993, Matthew Murphy III, then the District Attorney of Niagara County, heard the Law School had several faculty members engaged in domestic violence research and invited us to talk about some articles he read describing the concept of CCR,²⁸ a response system used to address

²⁶ See EVERY WOMAN OPPORTUNITY CENTER, INC., <http://www.everywoman.org/about-us> (last visited Nov. 13, 2013).

²⁷ See Patricia Donovan, *Passage from Family Violence: Web Site Aids Victims Directly, Helps Coordinate Other Services*, 32 U. BUFF. REP. 29 (Apr. 26, 2001), <http://www.buffalo.edu/ubreporter/archive/vol32/vol32n29/n5.html> (discussing Olivia Arditi's role as Operations Director of University at Buffalo's Western New York Regional Information Network, which "provides information about 24-hour hotlines, emergency medical services, emergency shelters, support groups, counseling services, legal services and advocacy groups sponsored by dozens of service agencies, churches, hospitals and police departments in the eight counties of Western New York").

²⁸ See generally Ellen Pence & Martha McMahon, *A Coordinated Community Response to Domestic Violence*, PRAXIS INT'L (Jan. 1997), <http://files.praxisinternational.org/ccrdv.pdf> (describing the Duluth Model as a system of networks and processes created by local shelters, criminal justice agencies, and

domestic violence in Duluth, Minnesota.²⁹ The Duluth Model was rapidly gaining acceptance across the country as a comprehensive, collaborative approach focused on victim safety, batterers' accountability, and systems' accountability.³⁰ Murphy was intrigued by the idea of a community-wide approach and horrified at the scope of violence experienced mostly by women at the hands of their abusers. At that point in time domestic violence deaths accounted for the majority of homicides committed in Western New York communities.³¹ Murphy felt strongly that any attempt by Niagara County to replicate Duluth's efforts had to be done in partnership with the Law School. Accordingly, we commenced our work on CCR and domestic violence protocol development, which was ultimately exported throughout the region. This resulted in the expansion of the Clinic across the Eighth Judicial District and, eventually, the Seventh Judicial District's Orleans and Monroe Counties.

iii. Animal Shelter Options for Domestic Violence Victims

Our constant challenge is to meet the interests of our enthusiastic students and the needs of the community while providing an educational experience. Several years ago, the New York State Department of Criminal Justice Services (NYSDCJS) hosted a series of conferences across the state, which highlighted the link between pet abuse and domestic violence. Many domestic violence victims will not leave their homes or seek safety for fear their pets will be left behind.³² In subsequent conversations with the NYSDCJS, an idea evolved to create an assistance database, linking victims of domestic violence to services and shelters for their pets. Beginning in the fall of 2011 and continuing through the spring of 2013, two law students,

service providers that work together in "[c]reating a coherent philosophical approach which centralizes victim safety"; "[d]eveloping 'best practice' policies and protocols for intervention agencies"; "[r]educing fragmentation in the system's response"; "[b]uilding monitoring and tracking into the system"; "[e]nsuring a supportive community infrastructure"; "[i]nterveneing directly with abusers to deter violence"; "[u]ndoing the harm violence to women does to children"; and "[e]valuating the system's response from the standpoint of the victim").

²⁹ See *id.*; see also Shepard with McGee, *supra* note 9.

³⁰ Pence & McMahon, *supra* note 28.

³¹ Adriana Fernandez-Lanier & James A. Gilmer, *Domestic Homicide in New York State, 2007*, N.Y. ST. DIVISION CRIM. JUST. SERVICES (Dec. 2008), http://www.criminaljustice.ny.gov/pio/domesticomicidereport_120808.pdf (compiling New York State domestic violence-related homicide data).

³² See, e.g., Melissa Trollinger, *The Link Among Animal Abuse, Child Abuse, and Domestic Violence*, 30 COLO. LAW. 29, 30 (2001), available at <http://www.cobar.org/Docs/Link%20Dom%20Violence%20Sept%202001.pdf>.

Sara Nadolny and Karalyn Rossi, researched and created the Animal Shelter Options for Domestic Violence Victims Project.³³ The project's continuing goal is to raise awareness about the barriers to leaving faced by victims of domestic violence who have animals. The students created the searchable database, wrote a brochure on how to include pets in New York State Orders of Protection, conducted a series of webinars presenting these materials, and provided resource information on how communities can expand their capacity to offer emergency shelter or foster care programs for pets.

This project is an example of how technology has allowed us to link domestic violence victims in remote areas with resources, advocates, partnerships, and information that will protect victims and the safety of their pets and families.

iv. Empirical Research-Driven Responses

One distinguishing component of our Clinic from the beginning has been Dr. Cerulli's interest in both qualitative and quantitative research. As a law student, she secured funding from the American Association of University Women to conduct a study of the Buffalo Police Department's arrest rates for domestic violence crimes. Although domestic calls accounted for the highest category of 911 calls in urban settings across the United States, they represented the lowest in terms of arrest rates.³⁴ Both Dr. Cerulli and I presented her findings to the Chief of Police hoping to convey the need for policy change. Dr. Cerulli's research indicated an abysmally low rate of arrests made when the crime charged was related to domestic violence. Before we had a chance to share the data, the Chief of Police explained that, in his experience, wives who were upset with their husbands made many domestic violence calls. They called the police and then threw themselves down the stairs in the hope that the police would find their husbands responsible for any injuries suffered.³⁵ We earnestly explained that cities across the country were being held liable for the injuries or deaths of victims of domestic violence due to police inaction. At that point in our conversation another officer at the table abruptly left and returned with legal counsel who listened very closely and took notes as we

³³ *Animal Shelter Options for Domestic Violence Victims*, SUNY BUFF. L. SCH., <http://www.law.buffalo.edu/beyond/clinics/social-justice/pets.html> (last visited Apr. 11, 2013).

³⁴ See, e.g., Susan H. Horowitz, et al., *An Inside View of Police Officers' Experience with Domestic Violence*, 26 J. FAM. VIOLENCE 617-25 (2011).

³⁵ Interview with Ralph V. Degenhart, Buffalo Police Dep't Chief, in Buffalo, N.Y. (Fall 1990).

went through the facts of *Thurman v. City of Torrington* and similar cases brought on behalf of victims of domestic violence.³⁶

Currently, we continue to respond to issues that impact safety for victims and obstacles that challenge the concept of CCR. Recent examples include parties protected by orders of protection being charged with solicitation of a crime when the order of protection is violated, and courts trying to mandate mediation in domestic violence cases.³⁷ What is different now, twenty years later, is that we have a close network of committed advocates throughout the various systems that have been created. We also have a body of research to support our reform efforts.

Most importantly is that rather than having to span a division across professions, we have the ability and the history to sit down, present our concerns, create mutual understandings, and reach out across constituencies for support when needed. The results are that, for most of the time, we can reach a mutual understanding. So, when a rural county experiences a prosecutor who has a pattern of arresting victims, the community can reach out to a network of providers including the Law School, legal service agencies, law enforcement, other prosecutors, statewide coalitions, and statewide agencies. We attempt to educate, explain the importance of protecting victims and holding perpetrators accountable, suggest legislative reforms, and research how other states have addressed the issue.

The New York State Office of Court Administration recently proposed a court rule mandating an initial alternative dispute resolution session.³⁸ Domestic violence advocates and attorneys were among those invited to comment on the proposal. There has been a long and heated debate as to the appropriateness of mediation when a significant power imbalance is present, such as the imbalance that exists in relationships with

³⁶ See *Thurman v. City of Torrington*, 595 F. Supp. 1521, 1527 (D. Conn. 1984) (stating the allegation that police provided “lesser protection . . . when the victim [was] (1) a woman abused or assaulted by her spouse or boyfriend, or (2) a child abused by a father or stepfather,” was a proper allegation of a violation of the Equal Protection Clause of the Fourteenth Amendment, and that police can be held liable for a pattern or policy of such violations under §1983); see also *Civil Liability and Domestic Violence Calls*, 2008 (6) AELE MO. L.J., June 2008, at 101, 107, available at <http://www.aele.org/law/2008LRJUN/2008-6MLJ101.pdf>.

³⁷ See, e.g., Kristen V. Brown, *Law to Protect Betrays Victims*, TIMES UNION (June 17, 2013, 7:06 AM), <http://www.timesunion.com/local/article/Law-to-protect-betrays-victims-4604192.php> (describing the arrests of abuse victims for violating their own protection orders).

³⁸ The proposed rule would require a judge or court personnel to choose a type of Alternative Dispute Resolution from a list of various methods such as mediation and collaborative lawyering.

domestic violence.³⁹ There is general agreement that mediation is not appropriate, or safe, when domestic violence is indicated.⁴⁰ The problem is that screening is an imperfect method of identifying domestic violence and much training is required of screeners and mediators to effectively respond to domestic violence when it is suspected.⁴¹ The proposal was seen by some as a process that has the potential to expose those in abusive relationships to further harm. The response was immediate. A network of attorneys, advocates, and law faculty engaged in conference calls, co-authored letters sent on behalf of a number of state-wide organizations to bring attention to potential harms in the proposed policy, and outlined ways the proposed rule could be improved to ensure family safety.⁴²

B. Forming Lasting Relationships and Creating Safe Spaces

i. Haven House Tuesday Night Clinic

The Tuesday Night Clinic was initially started to provide legal advice and information to clients of Haven House.⁴³ Several years ago, the program expanded to serve clients of other organizations. Clinic students based at Erie County Volunteer Lawyers Project contact volunteer attorneys, conduct the initial financial screening, interview clients, and provide any necessary follow-up. The Tuesday Night Clinic is held in a confidential setting. Volunteers and clients follow a strict protocol to ensure safety. In addition to helping hundreds of individuals in crisis with free legal advice, the Tuesday Night Clinic has resulted in an ever-expanding pool of dedicated attorneys who are well versed in the needs of those experiencing domestic violence.

³⁹ See, e.g., Susan L. Pollet, *Mediating Domestic Violence: A Potentially Dangerous Tool*, 77 N.Y. ST. B.J., Sept. 2005, at 42.

⁴⁰ *Id.* at 43-44.

⁴¹ See Alexandria Zylstra, *Mediation and Domestic Violence: A Practical Screening Method for Mediators and Mediation Program Administrators*, 2001 J. DISP. RESOL. 253, 268-70 (2001).

⁴² See, e.g., Chris Stern Hyman, Anna Ognibene & Michael Mosberg, *Comment Regarding the Office of Court Administration's Proposed Rule on Alternative Dispute Resolution in Matrimonial Law Cases*, N.Y. CITY B. (Feb. 2013), <http://www.nycbar.org/pdf/report/uploads/20072397-CommentreOCAProposedRuleonADRcases.pdf> (“[W]e are concerned that OCA’s laudable effort to screen out cases where there is domestic violence, child abuse or a severe power imbalance – and to protect potentially vulnerable parties in those cases – falls short and needs further clarification.”).

⁴³ See *Haven House*, *supra* note 12.

ii. The Family Court Resource Project

Prior to the passage of the VAWA Civil Legal Services Grant in 2000, there was very little representation for family offense petitioners in Family Court. One of the earliest Clinic projects was an expansion of the Tuesday Night Clinic. We decided to conduct a similar program twice a month in Niagara County. Law students or shelter advocates accompanied clients of these legal clinics to Family Court to assist them in the process of obtaining protective orders. There was a clear need for increased assistance to the many individuals in crisis who went to Family Court seeking relief. The Probation Department and Family Court staff in both Erie and Niagara assisted in drafting petitions, but there was nothing in place to provide any other type of assistance. Katie Joyce, Executive Director of Haven House, created the Family Court Resource Project in partnership with Erie County Family Court. The Family Court Resource Project utilized trained volunteers, including Clinic students, to assist Family Offense petitioners in Erie County Family Court. DVTF members and Clinic students replicated this court-based advocacy model in Niagara County Family Court. Subsequent VAWA grants funded agency-based advocacy positions resulting in staffed programs that replaced these early volunteer efforts.⁴⁴

These highly successful projects solidified the reputation of the Clinic as a critical resource in the community, and the initial relationships that were developed eventually grew into established ones. In the process, we were educating students in the nascent area of domestic violence law and nurturing them to become effective advocates and dedicated attorneys who understood the importance of empowering their clients while prioritizing their safety.

To date, much of our work has been to ensure that domestic violence victims in the community have access to effective advocacy and the resources they need to achieve self-sufficiency and to remedy any obstacles that prevent them from escaping abuse.⁴⁵ Victims need assistance in order to navigate often unfamiliar and complex legal and social service systems.⁴⁶ Often “financial despair” is one of the main obstacles to leaving.⁴⁷ Some studies have shown that a majority of victims seeking help

⁴⁴ See, e.g., EVERY WOMAN OPPORTUNITY CENTER, INC., *supra* note 26.

⁴⁵ See generally Sarah M. Buel, *Fifty Obstacles to Leaving, A.K.A., Why Abuse Victims Stay*, 28 COLO. LAW. 19, 19-28 (1999), available at <http://www.vcpionline.org/pdfs/50%20Reasons%20Why%20Victims%20Stay.pdf> (describing a list of obstacles that either the author, or other abuse victims, encountered when attempting to escape domestic violence).

⁴⁶ See *id.* at 19 (explaining the problems abuse victims face when they lack an advocate).

⁴⁷ *Id.* at 20.

due to domestic violence had left their abusers before, but returned due to financial necessity.⁴⁸ For these reasons, our Clinic is one of many programs that focus not only on advocacy, but also on self-sufficiency.

iii. Carolyn's House

Our work with the YWCA of Niagara spans two decades. We assisted the agency in the planning and bricks-and-mortar phase of Carolyn's House, a housing program for homeless women and children in Niagara Falls.⁴⁹ To date, Carolyn's House has provided housing to more than one hundred women and children in Western New York.⁵⁰ Carolyn's House also offers programs such as GED instruction, vocational programs, life skills programs, pre-college workshops, and assistance with college enrollment.⁵¹ A hybrid clinic was created between the Community Economic Development Clinic and the Domestic Violence Clinic. Students toured the area around 6th Street in Niagara Falls, paired up with Carolyn's House residents, learned about each other's lives, and developed a slate of relevant topics to research. Then, each pair presented their findings to the group as a whole. The presented topics included: child welfare, the role of Child Protective Services, prosecution of domestic violence, how to present a case in small claims court, and how to repair credit scores after a parent used a child's social security number for utilities. In the end, the hybrid clinic included social entrepreneurship and economic justice dynamics.

Our combined Clinics researched the concept of creating an urban farm to be utilized by Carolyn's House Catering Crew⁵² and to serve as an educational setting for the surrounding neighborhood. The students researched models and current zoning laws, visited urban farms in Buffalo and Rochester, presented their findings to the YWCA Board of Directors, and hosted a presentation to the community that included a hands-on workshop run by experts on a variety of gardening methods. The students' research culminated in a presentation to the Mayor of Niagara Falls, Paul Dyster, and his cabinet. The students presented on urban farms and the need for green zones in urban planning. In part, as a result of the presentation, the YWCA was awarded a small grant from the city to purchase a green house to be used by the Carolyn's House Catering Crew.

⁴⁸ *Id.*

⁴⁹ See *Carolyn's House*, YWCA NIAGARA, <http://www.ywcaniagara.org/carolyns-house/> (last visited Apr. 11, 2013).

⁵⁰ *Id.*

⁵¹ *Support*, CAROLYN'S HOUSE, <http://carolynshouse.org/support> (last visited Jan. 29, 2014).

⁵² See *Employment Opportunities*, CAROLYN'S HOUSE, <http://carolynshouse.org/employment-opportunities/> (last visited Oct. 28, 2013).

C. Responding to Community Emergencies

i. Domestic Violence Homicides

The Clinic is often requested to respond to community “emergencies.” A well-known business man, Muzzamil Hassan, killed his wife, Assiya Zubair Hassan, with two hunting knives while his children waited in the family’s minivan outside Bridges television station, which the couple co-owned.⁵³ The details of the murder were horrific. Assiya was decapitated as a result of the force used in the attack.⁵⁴ The story appeared in the local section of *The Buffalo News*, with an emphasis on the couple’s religion, and the term “beheading” was used instead of decapitation.⁵⁵ The response from Muslims across the country was immediate—challenging the focus on religion as if that was a factor in her death.⁵⁶ Sadly, the couple had purchased the television station at Assiya’s insistence, intending to use it to build understanding between Muslims and non-Muslims.⁵⁷ Her murder was reported across the country and became the subject of an editorial written by the then Director of the New York State chapter of the National Organization for Women (NOW-NYS), who stated that culture did indeed play a significant role in this murder.⁵⁸

Remla Parthasarathy and I immediately wrote a response to *The Buffalo News* explaining that this murder was no different than the other

⁵³ Neale Gulley, *Trial of Man Accused of Beheading Wife Opens in Buffalo*, REUTERS (Jan. 18, 2011, 4:45 PM), <http://www.reuters.com/article/2011/01/18/us-crime-beheading-idUSTRE70H77520110118>.

⁵⁴ *Id.*

⁵⁵ Fred O. Williams & Gene Warner, *Man Charged in Beheading of Wife: Police Probe Killing of Woman Married to Orchard Park Businessman*, BUFF. NEWS (Feb. 14, 2009), <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20090214/CITYANDREGION/302149968>. *But cf.* Liz Robbins, *Upstate Man Charged with Beheading His Estranged Wife*, N.Y. TIMES (Feb. 17, 2009), <http://www.nytimes.com/2009/02/18/nyregion/18behead.html> (noting the murder as a “decapitation” and provided the idea that the couple’s religion was not the source of the violent act).

⁵⁶ See Robbins, *supra* note 55.

⁵⁷ Ashley Broughton, *Beheaded Woman’s Sister: I Might Have Heard Deadly Confrontation*, CNN (Feb. 17, 2009, 6:08 PM), http://www.cnn.com/2009/CRIME/02/17/new.york.beheading/index1.html?eref=rss_topstories.

⁵⁸ Press Release, Nat’l Org. for Women-N.Y. State, *Woman Beheaded in New York State; Nat’l Org. for Women-N.Y. State Questions Media Blackout* (Feb. 16, 2009), available at http://www.nownys.org/pr_2009/pr_021609.html.

thirteen women murdered in the past eleven months in our community.⁵⁹ We pointed out that the religion of those murderers was not deemed important to report.⁶⁰ Within hours of that statement being published we received emails from across the country thanking us for writing it. The leadership of the Erie County Coalition Against Family Violence (ECCAFV) quickly responded to the NOW-NYS statement, addressing each point and registering disappointment that such an influential body would write such an irresponsible letter.⁶¹ A follow-up letter was also sent to the national office of NOW and within a few days, *The Buffalo News* reported more details surrounding the homicide.⁶²

There was an extensive record of Assiya's attempts to seek help. The local police had been called to the home many times.⁶³ There was also an order of protection in place, and she had recently filed for divorce.⁶⁴ In short, the additional details uncovered fit the profile of many intimate homicides. Later at trial, the prosecutor revealed a long history of intimidation and brutality.⁶⁵

The Clinic's involvement in the prosecution of the case began immediately and continued for two years through the final disposition and sentencing. In the days immediately after the murder we wrote reactionary editorials and assisted the ECCAFV in their efforts. In addition, one of the Law School's adjunct professors, Nadia Shahram, assisted in organizing a community event at the Law School, which brought together at least one hundred individuals from all faiths to mourn the loss of Assiya and to engage with a panel of Imams and other leaders of the Muslim community. It was a powerful and moving discussion that served as the genesis of a series of events and trainings at area mosques addressing family violence and violence against women within the Muslim community.

⁵⁹ Suzanne Tomkins, *Stereotypes Mustn't Hide the Facts of Domestic Violence*, BUFF. NEWS (Feb. 19, 2009, 12:01 AM), <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20090219/OPINION/302199938>.

⁶⁰ *Id.*

⁶¹ Kristen Luppino-Gholston, Remla Parthasarathy & Shea Post, *The Role of Culture in Domestic Violence: One Community's Response to a Domestic Violence Homicide*, VOICE, Fall 2011, at 87, available at <http://www.ncadv.org/files/Voice%20Fall%202011-2.pdf>.

⁶² See Fred O. Williams, *Muslim Influence Speculated in Slaying: Estranged Husband Charged with Murder*, BUFF. NEWS (Feb. 17, 2009, 12:01 AM), <http://www.buffalonews.com/article/20090217/CITYANDREGION/302179987>.

⁶³ Broughton, *supra* note 57.

⁶⁴ *Id.*

⁶⁵ *The Trial of Muzzammil Hassan: Day Two*, BUFF. NEWS LIVE (Jan. 19, 2011, 10:22 AM), <http://blogs.buffalonews.com/live/2011/01/the-trial-of-muzzammil-hassan-day-2.html>.

Reporters contacted many of us in the domestic violence community, so we met to discuss talking points. We agreed that our primary goal in any communication with the media was to respect Assiya's memory, to adhere to the strict confidentiality requirements as defined by the law regulating agencies, and to use each interview to educate the public about domestic violence. In the following months, the Clinic reached out to members of the ECCAFV to develop a plan in anticipation of renewed media attention during the trial. Clinic students researched models and worked with the subcommittee to develop a media guide. We had the benefit of a seasoned reporter on the subcommittee who assisted us in selecting spokespeople and researching topics that would likely be addressed. The guide was disseminated to a variety of media outlets and then sent to the New York State Coalition Against Domestic Violence for adaptation as a statewide resource.⁶⁶

The story caught the attention of Dina Temple-Raston, a National Public Radio international correspondent. She came to Buffalo and produced a story featuring many of us who had some role in the case.⁶⁷ It chronicled the complete story—illustrating the point that what Assiya tried to accomplish through the creation of Bridges, in connecting Muslims and non-Muslims, was in some ways brought about by the tragedy of her death.⁶⁸ Many forums have been held in the wake of her death bringing together cross-sections to discuss Islamic faith. Erie County Family Court Judge, Lisa Bloch Rodwin, created a task force to provide culturally appropriate responses in the court system for Muslim families.⁶⁹ Marize Ayob, a Clinic student, assisted in this project and wrote a manual to assist Muslim families in accessing assistance.⁷⁰

ii. Erie County Integrated Domestic Violence Court

Integrated Domestic Violence (IDV) Courts adjudicate certain domestic violence cases where families have matters pending in both civil

⁶⁶ See Erie Cnty. Coal. Against Family Violence, A Brief Guide for Journalists: Reporting on Domestic Violence (Spring 2009), <http://eccafv.org/images/uploads/DV%20Brief%20Media%20Guide%20revised%20for%20website%202012.pdf>.

⁶⁷ See Dina Temple-Raston, *Buffalo's Muslims Battle Stereotype After Murder*, NAT'L PUB. RADIO (Feb. 21, 2011, 2:59 PM), <http://www.npr.org/2011/02/21/133882697/buffalos-muslims-battle-stereotype-after-murder>.

⁶⁸ *Id.*

⁶⁹ *Intimate Partner Violence Conference Participant Biographies*, BALDY CENTER FOR L. & SOC. POL'Y, <http://baldycenter.info/conferences/intimate-partner-violence/bios.html> (last visited Sept. 22, 2013).

⁷⁰ Marize Ayob (Oct. 2012) (unpublished manual) (on file with author).

and criminal courts.⁷¹ The “one court, one family model” has generally been lauded for giving judges a comprehensive understanding of the circumstances of particularly complex cases, promoting consistent and fair handling of cases, and supporting the safety of victims and children.⁷² For example, IDV Courts often ensure the safety of the parties by resolving conflicting orders of protection from family, criminal, and matrimonial courts that otherwise create confusion for parties and for police.⁷³

In August of 2012, District Attorney Frank A. Sedita III stopped “prosecuting misdemeanors and violations” in Erie County IDV Court after calling the court “a failed experiment.”⁷⁴ The District Attorney’s Office argued that IDV Courts were inconvenient for prosecutors, that cases were transferred into IDV Court that did not warrant prosecution, and that more cases were dismissed or ended in acquittal in IDV Courts than in other courts.⁷⁵ Local advocates and court staff disagreed strongly with these assertions.⁷⁶ While the standoff between the District Attorney’s Office and IDV Court became quite public and heated, cases were still coming in but not being heard, and domestic violence advocates across the region became extremely worried about victim safety.⁷⁷

The Clinic became involved in the region-wide dialogue about how best to resolve this increasingly dangerous situation for women and children. On October 2, 2012, we drafted an opinion letter that was published in *The Buffalo News* noting a fundamental problem with the decision not to prosecute misdemeanors and violation-level offenses in IDV Court.⁷⁸ While these offenses may indicate low-risk crimes in other contexts, within domestic violence patterns of power and control, such as misdemeanor and violation-level offenses, often precede intimate partner homicide in separate assault cases.⁷⁹ We argued that rather than failing to

⁷¹See *Integrated Domestic Violence Courts (IDV)*, NYCOURTS.GOV, http://www.nycourts.gov/courts/problem_solving/idv/home.shtml (last updated May 1, 2013) (noting that since their creation in 2003, “IDV Courts have handled over 149,041 cases and served over 28,300 families” in New York).

⁷² *Id.*

⁷³ 10 Merrill Sobie & Gary Solomon, *New York Family Court Practice* § 12:3 (2d ed. 2012).

⁷⁴ Patrick Lakamp, *Sedita Stops Prosecuting Domestic Violence Misdemeanors in Special Court*, BUFF. NEWS (Sept. 28, 2012, 7:02 AM), <http://www.buffalonews.com/apps.dll/article?AID=/20120926/CITYANDREGION/120929224>.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Suzanne E. Tomkins & Remla Parthasarathy, *IDV Court Allows a Judge to Hear All Circumstances*, BUFF. NEWS (Oct. 3, 2012, 12:01 AM), <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20121003/OPINION/121009829>.

⁷⁹ *Id.*

prosecute misdemeanors and violations, we as a community should be working together to implement procedures that would increase IDV Court's utility and to ensure that Western New York families were safe.⁸⁰ The issue was resolved when the District Attorney's Office, upon court order, agreed to resume prosecuting these cases in IDV Court.⁸¹

III. NATIONAL AND INTERNATIONAL DEVELOPMENT AND HUMAN RIGHTS: THE CLINIC'S RIPPLE EFFECT ON THE WORLD

A. *New Orleans*

The Clinic not only serves as a resource throughout the region, but throughout the world as well. I have had several opportunities to engage students in work that is outside the Western New York geographic area. Several colleagues and I attended a Clinical Legal Education Conference held in New Orleans about a year and a half after Hurricane Katrina devastated the region.⁸² We were inspired to hear how law school clinics and grassroots efforts were responding to the post-Katrina recovery.⁸³ We created a three-credit course over the Law School's January Bridge Term that included traveling to New Orleans to assist with the recovery efforts.

Three years later I returned with a Clinic class to continue in the recovery effort. We toured the New Orleans Family Justice Center, where civil legal attorneys described the complicated lives of clients who suffered incredibly high rates of stress and mental health diagnoses attributed to the devastation wrought by Katrina.⁸⁴ Students worked with the Public Defender's Office to help create a post-arraignment release program. They conducted research, reviewed defendants' records, made jailhouse visits, and observed in the courtroom. What we observed was an unusually high

⁸⁰ *Id.*

⁸¹ *District Attorney Announces Agreement Regarding Integrated Domestic Violence Court*, ERIE COUNTY DISTRICT ATT'Y'S OFF. (Oct. 18, 2012), <http://www2.erie.gov/da/index.php?q=district-attorney-announces-agreement-regarding-integrated-domestic-violence-court>.

⁸² *2007 Workshop on Clinical Legal Education: Challenging Assumptions*, ASS'N AM. L. SCH., http://www.aals.org/events_2007clinicalwhy.php (last visited Jan. 29, 2014).

⁸³ See, e.g., Cheryl P. Buchert et al., *Clinical Education in the Aftermath of Hurricane Katrina: A Multi-Focused Collaboration*, ASS'N AM. L. SCH., <http://www.aals.org/documents/2006clinical/outlines/Buchertetaloutline.pdf> (last visited Jan. 29, 2014).

⁸⁴ See *New Orleans Family Justice Center History*, N. ORLEANS FAM. JUST. CENTER, <http://www.nofjc.org/new-orleans-fjc-history.html> (last visited Jan. 29, 2014).

number of women charged with domestic violence and a high percentage of people of color arrested for a variety of low-level drug possession charges.

Students interviewed many defendants over the week. Most were black, younger than eighteen, had never been employed, had not completed high school, and lived on the street or with extended family. Their crimes were not commensurate with the penalties.⁸⁵ Issues of poverty were new to many of the students, and they described the weeklong trip as life changing.⁸⁶

B. Trafficking

Buffalo, New York is a border community and human trafficking activity is a significant problem.⁸⁷ Clinic work on this issue began with a survey that was created by students and sent to domestic violence agencies across the state to determine if clients were identified as trafficked women and if agency staff members were trained to recognize them as such. This was an early effort to identify where trafficked women could seek resources and an attempt to get a sense of the scope of the issue in Upstate New York. Shortly after passage of New York State legislation, a task force was formed in Buffalo comprised of the United States Attorney's Office, the Sheriff's Department, International Institute, domestic violence agencies, the Clinic, and other related agencies.⁸⁸ A Clinic student provided research and assistance with organizing this group in its early stages. Today, it is a very effective alliance led by the International Institute and the Sheriff's Department⁸⁹ with a history of successfully uncovering any trafficking operations throughout the region.⁹⁰

⁸⁵ See Brandon L. Garrett & Tania Tetlow, *Criminal Justice Collapse: The Constitution After Hurricane Katrina*, 56 DUKE L.J. 127, 145-53 (2006).

⁸⁶ In addition to the educational legal experiences, the trip also provided us as faculty with an opportunity to get to know students in a much closer, personal way. It provided what one student described as a 360-degree educational experience looking at the issue of domestic violence from so many perspectives.

⁸⁷ See *About Human Trafficking*, INT'L INST. BUFF., http://www.iibuff.org/index.php?src=gendocs&ref=abouthumantrafficking&category=Human_Trafficking_Victim_Services (last visited Mar. 27, 2013) (noting the International Institute of Buffalo has assisted over 200 trafficked victims in Buffalo, New York since 2007).

⁸⁸ See *Human Trafficking Victim Services*, INT'L INST. BUFF., <http://www.iibuff.org/index.php> (follow "Immigrant Victim Services" hyperlink; then follow "Human Trafficking Victims" hyperlink) (last visited Jan. 29, 2014).

⁸⁹ See *Human Trafficking*, ERIE COUNTY SHERIFF'S OFF., <http://www2.erie.gov/sheriff/index.php?q=human-trafficking> (last visited Jan. 29, 2014).

⁹⁰ See, e.g., *Six Indicted in Conspiracy for Trafficking and Holding Migrant Workers in Conditions of Forced Labor in Western New York*, DEP'T OF JUST.

C. *International Presence at School*

In addition to providing opportunities for students to travel, the Clinic has benefited from the participation of international Master of Laws (LL.M.) program students and visiting domestic violence scholars. The Law School offers both a general and a criminal law LL.M. program that is marketed across the globe.⁹¹ Every year, international students enroll in the Domestic Violence Law course and the Clinic. Since 2007, Professor Isabel Marcus has funded a fellowship to young feminist-practicing attorneys from Eastern Europe to study domestic violence at the Law School.⁹² The scholars have been selected from the Republic of Georgia, Serbia, Poland, and other Central Eastern European states.⁹³ The fellowship is offered during the fall semester to coincide with October's domestic violence awareness activities across the region. After spending the semester attending classes, events, conferences, and trainings, where the fellows meet members of the legal community and domestic violence experts from other fields, they are required to provide a presentation at the Law School.⁹⁴ They are asked to report on what they have learned from their studies in the United States and apply it to how domestic violence is addressed in their respective countries. Consequently, members of the audience learn a great deal about comparative law and policies. With technology we are easily able to maintain the relationships that are built with these visiting international students. This past fall we interviewed the recipients of the fellowship, producing a video that was presented to Professor Marcus as a tribute to her incredible body of work on behalf of international women's human rights law.

D. *Domestic Violence as a Global and Local Human Rights Issue*

Over ten years ago, while serving as a consultant in Ukraine and Russia, I was struck by the use of human rights language when discussing

(June 19, 2002), http://www.justice.gov/opa/pr/2002/June/02_crt_360.htm; see also *Honoring Community Leaders*, FBI, http://www.fbi.gov/about-us/partnerships_and_outreach/community_outreach/dcla/2010/buffalo (last visited Jan. 29, 2014).

⁹¹ See *LL.M. Programs*, SUNY BUFF. L. SCH., <http://www.law.buffalo.edu/academics/llm.html> (last visited Jan. 29, 2014).

⁹² *Isabel Marcus International Domestic Violence Fellowship*, SUNY BUFF. L. SCH., <http://www.law.buffalo.edu/beyond/clinics/social-justice/global/fellowship.html> (last visited April 11, 2013).

⁹³ *Id.*

⁹⁴ *Id.*

domestic violence. Domestic violence laws either did not exist in these countries or they were in perpetual draft form.⁹⁵ Lacking national regulations, advocates instead relied upon the international doctrine of human rights law doctrines,⁹⁶ which describe the right to live a life free of violence at the hands of an intimate partner. There was a reliance on the language of international human rights law to serve as a substitute or model for reform where no such language existed locally. This was a novel concept and unheard of, or not commonly discussed, in American Jurisprudence at that time.

The 2005 United States Supreme Court decision of *Town of Castle Rock v. Gonzales* was petitioned to the Inter-American Commission on Human Rights (IACHR), and the case brought the issue of human rights to the forefront in the United States.⁹⁷ Jessica Lenahan sued the town of Castle Rock, Colorado for the death of her three daughters.⁹⁸ The children's deaths were a result of the Castle Rock Police Department's failure to enforce Lenahan's order of protection against her husband.⁹⁹ The Supreme Court ruled against her, sending a message across the United States that a private citizen does not have the right to enforcement of an order of protection.¹⁰⁰

Jessica Lenahan's legal team originated from Columbia Law School's Human Rights Institute under the directorship of Caroline Bettinger-Lopez, who served as Lenahan's primary legal counsel.¹⁰¹ The legal team was also made up of students from the Columbia Law School's Human Rights Clinic, the Human Rights Clinic at Miami University Law School, and the ACLU Women's Rights Project and Human Rights

⁹⁵ See, e.g., Isabel Marcus, *Preliminary Comments on Dark Numbers: Research on Domestic Violence in Central and Eastern Europe*, 21 U. ARK. LITTLE ROCK L. REV. 119, 121-24 (1998); Julie Mertus, *Human Rights of Women in Central and Eastern Europe*, 6 AM. U.J. GENDER & L. 369, 410-22 (1998).

⁹⁶ See generally Mertus, *supra* note 95 (explaining the changes occurring in Central East Europe and "its impact on women").

⁹⁷ *Lenahan v. United States of America*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, ¶¶ 1-5 (2011), available at <http://www.oas.org/en/iachr/decisions/merits.asp> (follow the "2011" hyperlink).

⁹⁸ *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 748 (2005).

⁹⁹ *Id.* at 751.

¹⁰⁰ *Id.* at 768 ("[i]n light of today's decision and that in *DeShaney*, the benefit that a third party may receive from having someone else arrested for a crime generally does not trigger protections under the Due Process Clause, neither in its procedural nor in its 'substantive' manifestations").

¹⁰¹ *Jessica Lenahan's Quest for Justice Continues Ten Years After Her Daughters Were Killed*, COLUM. L. SCH. (Oct. 29, 2009), http://www.law.columbia.edu/media_inquiries/news_events/2009/october2009/lenahan.

Program.¹⁰² They petitioned the case to the IACHR in 2005, and the IACHR wrote the merits brief in 2008.¹⁰³ In 2011, the IACHR found in favor of Jessica Lenahan.¹⁰⁴ The IACHR considered the United States government's affirmative duty to protect victims from private domestic violence acts, and held that it is a violation of human rights, under the *American Declaration on the Rights and Duties of Man*, for a state to fail to arrest and prosecute a domestic violence abuser if: "the authorities knew of a situation of real and immediate risk to the wife, her children, and/or other family members, created by the estranged husband, and the authorities failed to undertake reasonable measures to protect them from harm."¹⁰⁵ The IACHR found the United States and the police officers in Colorado, by failing to enforce Lenahan's order of protection, had violated her human rights.¹⁰⁶ Since this decision, domestic violence advocates nationally and globally have been campaigning to have domestic violence legally recognized as a violation of human rights in their communities.

Our Clinic joined the efforts of other law school clinics across the country. During the fall 2012 semester, two Clinic students, Olugbemisola Aregbesola and Amanda Sullivan, presented the case to our local coalition and solicited support for a resolution in the Erie County Legislature declaring freedom from domestic violence as a basic human right.¹⁰⁷ The Clinic students presented to the legislature on November 5th, where a resolution drafted by the students recognizing domestic violence as a human rights issue was unanimously passed and recorded into the permanent record. The project continued into the spring semester, and on

¹⁰² See *id.*; see also *Jessica Lenahan Wins Landmark Case Before Inter-American Commission On Human Rights*, U. MIAMI SCH. L., <http://www.law.miami.edu/human-rights-clinic/index.php?op=6> (last visited Apr. 11, 2013).

¹⁰³ *Jessica Gonzales v. United States: Case Documents and Amicus Briefs*, COLUM. L. SCH., <http://www.law.columbia.edu/human-rights-institute/inter-american-human-rights-system/Jessica-gonzales-v-us/gonzales/case-page> (last visited Jan. 29, 2014).

¹⁰⁴ *Lenahan*, Case 12.626, Report No. 80/11 at ¶ 215.

¹⁰⁵ *Id.* at ¶ 132; see also Amy J. Sennett, *Lenahan (Gonzales) v. United States of America: Defining Due Diligence?*, 53 HARV. INT'L L.J. 537, 541 (2012).

¹⁰⁶ *Lenahan*, Case 12.626, Report No. 80/11 at ¶ 199.

¹⁰⁷ The students did a tremendous amount of work garnering support for the resolution. The students researched the legislature's process and gathered letters of support. They created a briefing paper and a handout chronicling the case history as it progressed through the courts to the IACHR, to submit to representatives, explaining their effort as part of a larger law school clinic campaign across the United States. As luck would have it, a liaison from County Legislator Lynn Marinelli's office was present at one of their presentations and a subsequent meeting with her was scheduled that eventually led to the resolution being voted on.

April 8, 2013, Ms. Lenahan and her legal team gave a presentation to the Law School students about sustaining the efforts to have domestic violence recognized as a human rights issue throughout the nation and the world.¹⁰⁸

E. Tanzania

In 2010, I offered an opportunity to Clinic students to travel to Tanzania for credit over the January Bridge Term. This was part of the SUNY Buffalo Tanzania Project.¹⁰⁹ A former Clinic student, Paige Rizzo Mecca, founded the Solar Liberty Foundation, which is an effort to provide solar technologies to developing parts of the world.¹¹⁰ A group comprised of faculty and administration from many disciplines and departments at SUNY Buffalo, plus community members, focused on building a school for girls and bringing solar technology to the remote village of Kitenga, Tanzania. We toured agencies assisting women and families and learned about women's rights and the lack of laws protecting them.

We brought solar cookers for women to alleviate their need to spend long hours cooking after spending most of the day collecting wood.¹¹¹ The women were overjoyed at the thought that they could either use the time saved to go to school or use the cooker to make food to sell and make some extra money. We also brought several hundred birthing kits so that women, who lived miles from any health clinic, would have the basics at hand—a plastic sheet, razor blade, soap, string, and gauze. Women could use these supplies during labor instead of simply squatting in the dust, as accounted by a nun who observed a woman giving birth all alone on the side of the road.¹¹²

This was a much different travel experience than the New Orleans experience. We spent a day in a village where there was no running water and no medical supplies. We could hear the villagers singing their welcome long before we could see them. They danced for hours without stopping in

¹⁰⁸ *Jessica (Gonzales) Lenahan and Her Documentary Film Crew Visits the Law School*, SUNY BUFF. L. SCH. (May 24, 2013), <http://www.law.buffalo.edu/news/archives/host.html/content/shared/law/articles/archives/130409-DVTF.detail.html>.

¹⁰⁹ *Buffalo Tanzania Education Project*, KITENGA WIKI, http://kitenga.wikia.com/wiki/Buffalo_Tanzania_Education_Project (last visited Apr. 11, 2013).

¹¹⁰ SOLAR LIBERTY FOUND., <http://solarliberty.org/> (last visited Apr. 11, 2013).

¹¹¹ *See What We Do*, SOLAR LIBERTY FOUND., <http://solarliberty.org/what-we-do/> (last visited Jan. 29, 2014); *see also Haiti's Future, Painted in Green*, U. BUFF. L.F., Oct. 2010, at 15, *available at* <http://www.law.buffalo.edu/content/dam/law/restricted-assets/pdf/Forum/fall10.pdf> (explaining the benefits of renewable energy and the impact solar cookers can have on third world countries).

¹¹² *Global Community Development*, SUNY BUFF. L. SCH., <http://www.law.buffalo.edu/beyond/clinics/social-justice/global.html> (last visited Apr. 11, 2013).

heat that I can only describe as paralyzing. When one of the students suffered a gash while assembling the cookers, the nun in charge simply shrugged her shoulders and wiped her hand over the cut. Although we did not speak Swahili, after several minutes of observing us, the villagers quickly took over the process of assembling the cookers. When the assembly was complete, every piece of packing material was gone; some wore the empty spools from the tape as a bracelet, and the cardboard was distributed to families along with the few tools we brought. To see such joy, happiness, and generosity in the midst of what we perceived as deprivation deeply affected all of us. The experience underlined for students that the social justice work we do has broad impacts on local and worldwide levels.

CONCLUSION

The secrets of the Clinic's success have largely been related to positive relationships and community building. Relationships are integral to everything we do. The Women, Children & Social Justice Clinic continues the work Dr. Cerulli and I began twenty years ago with long-term partners across the state including the New York State Coalition Against Domestic Violence and the New York State Office for the Prevention of Domestic Violence. In addition, we are supported by the network of task forces in surrounding rural communities, local agencies in Monroe, Niagara, and Erie Counties, and across the world. We continue to stay focused on the needs of the community, and we check the pulse of the community through task forces, coalitions, and boards. Furthermore, our students continue to contribute to our efforts in law firms, agencies, governmental departments, and advocacy organizations across the nation and the world.